IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1108 OF 2007
IN
CRIMINAL APPEAL NO. 930 OF 2007

Mr. Silvaraj Mariya Ramaswami] .. Applicant

Versus

State of Maharashtra] .. Respondent

Mr. Prakash Naik i/b N.G. Bane & Dheeraj Dhutamal for the applicant.

Mrs. V.R. Bhosale, APP, for the respondent.

CORAM: S.B. MHASE &
SMT.V.K. TAHILRAMANI, JJ.

DATED: 19TH NOVEMBER, 2007

P.C. :

1. Heard both sides.

2. This is a bail application by the accused No.1 who has been convicted for the offence under section 302 r/w section 120B and section 34 of the IPC and sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5,000/- each. The accused has also been punished for criminal house trespass under section 448 r/w section 120 and section 34 of the IPC and sentenced to suffer rigorous imprisonment for three years and to pay

a fine of Rs.2,000/- and, in default of the payment of fine to undergo imprisonment for a further period of two months. He has also been punished under section 393 r/w section 120B and section 34 IPC and sentenced to rigorous imprisonment for five years and to pay a fine in the sum of Rs.3,000/- and, in default, to undergo imprisonment for further three months.

3. The accused was on bail during trial. There is no direct eye witness or ocular evidence on record. The case is based on circumstantial evidence. *Prima facie* we find that there has been no clinching circumstance brought on record and no special role has been attributed to the accused No.1 in the commission of the offence. The learned counsel for the applicant states that the accused No.1 has deposited the fine imposed by the trial court. We, therefore, find that this is a fit case to grant bail during the pendency of the appeal.

4. The applicant be released on bail in the sum of Rs.20,000/- (Rupees Twenty Thousand only) as was during the pendency of the appeal with bond and surety.

Sd/-
[SMT V.K. TAHILRAMANI, J.]

Sd/-
[S.B. MHASE, J.]